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In Pro Se

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

E-filing

HERNAN O'RYAN CASTRO,

Petitioner,

v.

ROBERT E. McFADDEN,

Western Regional Director,
Federal Bureau of Prisons,

Respondent.

CV 07

Case No.

PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C.
§ 2241 BY A PERSON IN
FEDERAL CUSTODY

THIS PETITION CONCERNS THE EXECUTION OF A FEDERAL SENTENCE

PETITION

- (1) PLACE OF DETENTION: Taylor Street Center, a Community Correctional Center contracted by the Federal Bureau of Prisons, located at 111 Taylor Street, San Francisco, County of San Francisco, State of California
- (2) NAME AND LOCATION OF COURT WHICH IMPOSED SENTENCE: U. S. District Court for the Southern District of Georgia
- (3) OFFENSE(S) AND INDICTMENT NUMBER(S) (IF KNOWN) FOR THE SENTENCE IMPOSED: CR491-142; Conspiracy to Possess with Intent to Distribute Cocaine, 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), 846, and 18 U.S.C. § 2 (Count One); Conspiracy to Import Cocaine, 21 U.S.C. §§ 952, 960(b)(1), 963, and 18 U.S.C. § 2 (Count Two)

FILED
NOV 14 2007
RICHARD W. WEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PJH
5775
(PR)

Pulse

17

07-5775-PJH (pr)

(4) THE DATE UPON WHICH SENTENCE WAS IMPOSED AND THE TERMS OF SENTENCE: July 10, 1992; 240 months of incarceration, 10 years of supervised release, \$100.00 of special assessment, for each count of conviction, running concurrent to each other.

(5) WHAT WAS YOUR PLEA: Not guilty

(6) KIND OF TRIAL: Jury

(7) DID YOU APPEAL THE JUDGMENT OF CONVICTION OR THE IMPOSITION OF SENTENCE: Yes.

(8) IF YOU DID APPEAL, ANSWER THE FOLLOWING FOR EACH APPEAL:

FIRST APPEAL:

NAME OF COURT: U. S. Court of Appeals for the Eleventh Circuit

GROUND RAISED: See **United States v. Taylor**, 17 F.3d 333 (11th Cir. 1994)

RESULT/DATE OF RESULT: Conviction/Sentence affirmed; May 11, 1994

SECOND APPEAL:

NAME OF COURT: U. S. Supreme Court

GROUND RAISED: Same as in Appellate Court

RESULT/DATE OF RESULT: Certiorari denied; October 17, 2004

(9) **GROUND FOR THIS PETITION**

GROUND ONE: RESPONDENT VIOLATED STATUTORY AND REGULATORY MANDATES WHEN IMPOSING COSTS OF INCARCERATION UPON PETITIONER WHILE IN COMMUNITY CORRECTIONAL CENTER CUSTODY.

SEE ATTACHED MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 BY A PERSON IN FEDERAL CUSTODY

(10) **PREVIOUS PETITIONS**

HAVE YOU FILED PREVIOUS PETITIONS FOR HABEAS CORPUS UNDER 28 U.S.C. §§ 2241 OR 2255, OR ANY OTHER APPLICATIONS, PETITIONS OR MOTIONS WITH RESPECT TO THE CLAIMS RAISED IN QUESTION #9 OF THIS PETITION?

No.

(11) IF YOUR ANSWER TO QUESTION #10 WAS YES, GIVE THE FOLLOWING INFORMATION FOR EACH PREVIOUS PETITION:

FIRST PREVIOUS PETITION
NAME OF COURT:
NATURE OF PROCEEDINGS:
GROUNDS RAISED:
RESULT/DATE OF RESULT:

SECOND PREVIOUS PETITION
NAME OF COURT:
NATURE OF PROCEEDING:
GROUNDS RAISED:
RESULT/DATE OF RESULT:

- (12) IF THE CLAIMS RAISED IN QUESTION #9 OF THIS PETITION CONCERN YOUR CONVICTION OR SENTENCE, EXPLAIN WHY YOU ARE FILING YOUR PETITION PURSUANT TO §2241 INSTEAD OF §2255.

Ground raised relates to execution of sentence, a claim not cognizable under § 2255.

- (13) ARE YOU PRESENTLY REPRESENTED BY COUNSEL?

No

- (14) IF YOU ARE SEEKING LEAVE TO PROCEED IN FORMA PAUPERIS HAVE YOU COMPLETED THE APPLICATION SETTING FORTH THE REQUIRED INFORMATION?

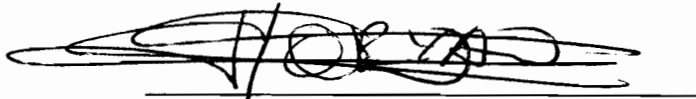
No

IF YOUR ANSWER IS NO, YOU MUST SEND A \$5.00 FILING FEE TO THE COURT WITH YOUR PETITION.

WHEREFORE, PETITIONER PRAYS THAT THE COURT GRANT PETITIONER RELIEF TO WHICH HE MAY BE ENTITLED IN THIS PROCEEDING.

I VERIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

November 13, 2007



Hernan O'Ryan Castro
In Pro Se